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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOSEPH TAYLOR, EDWARD MLAKAR,
MICK CLEARY, and EUGENE ALVIS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

V.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-07956-VKD

**DECLARATION OF WHITTY
SOMVICHIAN IN SUPPORT OF L.R.
6-2 STIPULATED REQUEST TO
EXTEND CASE DEADLINES AND
[PROPOSED] ORDER**

Judge: Hon. Virginia K. DeMarchi

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26
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 28

1 I, Whitty Somvichian, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and am a partner
 3 at Cooley LLP. I am counsel for Defendant Google LLC (“Google”) in this matter. I make this
 4 declaration based on my personal knowledge and, if called as a witness, I could and would testify
 5 competently to the matters stated herein.

6 2. Counsel for Plaintiffs and Google in this matter are concurrently handling the *Csupo*
 7 *v. Google LLC* matter in Superior Court in Santa Clara County, which raises materially the same
 8 claims at issue in this litigation but on behalf of a California class (“*Csupo*”).

9 3. Over the course of this case, the Parties have had to negotiate extensions to the
 10 schedule to ensure that it interlocks fairly and efficiently with relevant deadlines in *Csupo*, so that
 11 neither side is prejudiced by deadlines in the other case, and both cases could proceed efficiently.

12 4. The Parties have since continued to actively litigate both the *Csupo* case and this
 13 case, and have continued to make significant progress on multiple fronts, including (1) filing
 14 *Daubert* motions and opening class certification briefing and completing mediation in this matter,
 15 and (2) in the *Csupo* matter, completing briefing on summary judgment, supplemental class
 16 certification, decertification, and expert challenge motions, while also litigating trial.

17 5. The Parties have endeavored to act with diligence and to keep existing deadlines in
 18 this case, and pursuant to those deadlines, have exchanged expert reports, filed briefing on class
 19 certification issues, filed *Daubert* motions, and conducted expert depositions.

20 6. On April 9, 2025, the Parties previously stipulated to the following deadlines, which
 21 were approved in the Court’s April 10, 2025 scheduling order (ECF 189): (1) July 8, 2022 for the
 22 Parties’ reply briefs for their respective expert challenge motions and for Plaintiffs’ reply brief for
 23 their class certification motion, and (2) July 22, 2025 for the hearing on the foregoing motions.

24 7. Due to the Superior Court’s availability in the week of June 9, 2025 and other
 25 scheduling issues that were unanticipated at the time of the Parties’ April 9, 2025 stipulation,
 26 closing arguments in the *Csupo* trial did not occur until June 30, 2025.

27 8. The Parties jointly agree that good cause exists to modify the case schedule as set
 28 forth in the chart below, including because: (1) the Parties have endeavored to exercise diligence

1 in adhering to case deadlines, including in holding expert depositions within the current schedule;
 2 (2) given the unexpected length of jury trial proceedings in the parallel *Csupo* action, in which all
 3 counsel for the Parties here are involved, the requested extensions are necessary so that the Parties
 4 can prepare and present the most helpful briefing to this Court on their pending motions; (4) the
 5 Parties have negotiated extensively regarding the issues driving this request and have made every
 6 effort to resolve any underlying disputes without Court intervention; (5) the requested extensions
 7 will not impact other deadlines or the trial date in this case; and (6) the requested extensions are in
 8 the interests of both Parties, and the just and efficient progress of this matter, and are critical to the
 9 Parties' ability to present the most helpful briefing and presentations to this Court.

10 9. The Parties stipulate and agree that the following revisions should be made to the
 11 case schedule:

Event	Current Deadline	Stipulated Date
Class Certification and Expert Challenges Replies	July 8, 2025	July 22, 2025
Class Certification and Expert Challenges Hearing	July 22, 2025	Either August 11 or 12, 2025 (subject to the Court's availability)

19 10. The Parties in this dispute have requested the following time modifications in this
 20 case: on May 14, 2024 and June 13, 2024, the Parties stipulated to continue a case management
 21 conference due to scheduling conflicts of lead counsel, which the Court granted (ECF Nos. 85, 86,
 22 90, 91); on June 11, 2024, the Parties stipulated to extend the deadline to submit the Joint Case
 23 Management Statement, which the Court granted (ECF Nos. 87, 88); on July 30, 2024, the Parties
 24 stipulated to extend the deadline to submit an ESI and Protective Order, which the Court granted
 25 (ECF Nos. 100, 101); on October 1, 2024, the Parties stipulated to extend the mediation deadline,
 26 which the Court granted (ECF Nos. 108, 109); on November 1, 2024, the Parties stipulated to a
 27 new hearing date for the October 23, 2024 dispute letter due to a scheduling conflict, which the
 28

1 Court granted (ECF Nos. 125, 126); on November 5, 2024, the parties submitted a stipulation
2 requesting an extension of the deadline to submit discovery disputes that was denied without
3 prejudice (ECF Nos. 128, 130); on November 12, 2024, the parties submitted a request for an order
4 changing the time to file a discovery dispute letter-brief concerning the Boyer Experiment, which
5 the Court granted (ECF Nos. 132, 134); on January 10, 2025, the parties submitted a stipulation
6 requesting an extension of the deadline to exchange rebuttal expert reports and to conduct expert
7 depositions, which the Court granted (ECF Nos. 161, 162); on January 24, 2025, the parties
8 submitted a request for an extension of the case schedule and trial, which the Court granted (ECF
9 Nos. 163, 164); on March 7, 2025 the parties submitted a stipulation setting a briefing scheduling
10 for sealing motion, which the Court granted (ECF No. 165, 166); on March 28, 2025, the parties
11 submitted a request to extend the deadline for expert discovery, which the Court granted (ECF Nos.
12 186, 187); on April 9, 2025, the parties submitted a request to extend case deadlines, which the
13 Court granted (ECF Nos. 188, 189); and on May 19, 2025, the parties submitted a request to extend
14 sealing deadlines, which the Court granted (ECF 199, 200).

15 11. The requested time modifications will affect the schedule in this case for the
16 deadlines and dates referenced in Paragraph 9. *See Civ. L.R. 6-2(a)(3).* All other deadlines remain
17 the same, including the date for the final pre-trial conference and the trial date.

I declare under penalty of perjury that the foregoing is true and correct.

20 || Executed on July 1, 2025, in San Francisco, California.

/s/ Whitty Somvichian
Whitty Somvichian